

ORDINANCE NO. 14-2033

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, ESTABLISHING A PLANNED COMMUNITY DEVELOPMENT INDUSTRIAL ZONE CLASSIFICATION (M-1/PCD) FOR CERTAIN PROPERTY IN THE CITY OF COVINA (APPLICATION PCD 13-001) TO ADD A WINERY AS A PERMITTED USE, TO ALLOW ON-SITE WINE TASTING IN CONJUNCTION WITH A WINERY AS A CONDITIONALLY PERMITTED USE, AND TO ALLOW ON-SITE BEER TASTING IN CONJUNCTION WITH A BREWERY AS A CONDITIONALLY PERMITTED USE, WITHIN THE COVINA INDUSTRIAL PARK, AND MAKING CERTAIN FINDINGS AND CONDITIONS

THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to a Council public hearing conducted on September 2, 2014, and processing in the manner set forth by State law and local ordinance, and after written recommendation thereon by the Planning Commission (Resolution 2014-006 PC) after a duly noticed public hearing on July 22, 2014, this Planning Community Development ("PCD") is made for the reasons of public interest, convenience, and necessity.

SECTION 2. The following described real property in the City of Covina, County of Los Angeles, State of California, is hereby subject to the PCD:

That certain property commonly known as the "Covina Industrial Park", generally located at 1566-1600 West San Bernardino Road, Covina, California (the "Industrial Park"). For a full legal description of the Covina Industrial Park, see attached Exhibit "A".

SECTION 3. The proposed PCD shall permit the following uses within the Industrial Park:

Permitted Uses:

- a. All those uses permitted as of right in the M-1 (Industrial) Zone under the Covina Zoning Code; plus

- b. Winery.

Conditional Uses:

- a. All those uses permitted with a conditional use permit ("CUP") in the M-1 (Industrial) Zone under the Covina Zoning Code; plus
- b. Winery with on-site wine tasting (as defined under the standards of the State Department of Alcoholic Beverage Control (ABC) as a business having only a Type 02 License (Winegrower/Winery)), as opposed to any other ABC License classifications. In addition, any other winery with on-site wine tasting within the Covina Industrial Park shall be located at least 250 feet from any other winery with on-site wine tasting or brewery with on-site beer tasting (as measured from property line to property line) and shall be subject to the same ABC-associated licensing criteria.
- c. Brewery with on-site beer tasting (as defined under the standards of the State Department of Alcoholic Beverage Control (ABC) as a business having only a Type 23 License (Small Beer Manufacturer)), as opposed to any other ABC License classifications. In addition, any other brewery with on-site beer tasting within the Covina Industrial Park shall be located at least 250 feet from any other brewery with on-site beer tasting or winery with on-site wine tasting and shall be subject to the same ABC-associated licensing criteria.
- d. Notwithstanding the above, the same location may operate both a winery with on-site wine tasting and a brewery with on-site beer tasting, provided a CUP has been obtained to operate both.

SECTION 4. Except as specifically set forth in this PCD Ordinance, the development standards set forth in the Covina Municipal Code for the M-1 (Light Industrial) Zone shall apply to the Industrial Park.

SECTION 5. After giving full consideration to all evidence presented at said hearing, both oral and documentary, reviewing the recommendation of the Planning Commission, and after being fully informed, the City Council hereby finds as follows:

1. The PCD is consistent with the Covina General Plan. The Industrial Park will continue to conform to the existing "General Industrial" land use designation set forth in the General Plan. By including a "winery" use in the list of permitted uses by right, the PCD merely adds a manufacturing/processing use that is similar to other already-permitted uses, such as "breweries".
2. The PCD is also consistent with the City of Covina General Plan because it adds "on-site wine tasting" with a Type 02 ABC License as an additional component to a "winery", which is a use consistent with a "General Industrial" land use designation. Under ABC's Type 02 licensing scheme, "on-site wine tasting" is considered to be an additional component to an industrial winery and not a commercial "restaurant", "bar", "cocktail lounge" or "nightclub", which requires a different kind of ABC license. Therefore, it is not a commercial use that would be inconsistent with the Industrial Park's "General Industrial" designation.
3. The PCD is also consistent with the City of Covina General Plan because it adds "on-site beer tasting" with a Type 23 ABC License as an additional component to a "brewery", which is already a permitted use as of right in the M-1 Light Industrial zone. Under ABC's Type 23 licensing scheme, "on-site beer tasting" is considered to be an additional component to an industrial brewery and not a commercial "restaurant", "bar", "cocktail lounge" or "nightclub", which requires a different kind of ABC license. Therefore, it is not a commercial use that would be inconsistent with the Business Park's "General Industrial" designation.
4. The PCD is also consistent with the City of Covina General Plan because (i) it accommodates moderate infill development of underutilized parcels as a high priority through reasonable amendments to the City's zoning provisions in order to preserve the City's economic base, image and character while minimizing adverse impacts, and (ii) it draws an appropriate balance between encouraging creative and appropriate reuse of land to foster economic growth within the City while providing reasonable limitations on such uses so that they do not inhibit or impose an undue burden on the City's ability to meet public safety needs and provide services.
5. The PCD is in the public interest and reasonably related to the public welfare because it reasonably regulates new types of business use that were not previously recognized or regulated by Covina. The stringent distance restrictions contained in the PCD would only permit "on-site wine tasting" and "on-site beer tasting" uses in a total of two locations within the Industrial Park. Further, by making them a conditional use, this will allow the Planning Commission to review and approve such uses through the public hearing process and, if approved, to impose reasonable conditions of approval to address any negative land use impacts tied to such uses. This balances the policies of the General Plan and Zoning Code to promote moderate economic development in the City with the need to protect the public from the negative impacts tied to alcohol sales.

6. Because "one-site wine tasting" and "on-site beer tasting" are not considered by the State of California to be separate commercial uses, but rather an additional component to a brewery or winery which is a use consistent with a "General Industrial" land use designation, the PCD is a reasonable refinement to the Industrial Park's existing M-1 Light Industrial zoning and does not fundamentally alter its underlying zoning scheme. Except for the added distance restriction, no other zoning regulations governing these types of uses would be changed. They would remain subject to the same setback, height, parking, floor area and other development standards as all other uses in the M-1 zone. Therefore, the PCD remains consistent with the Covina Zoning Code.
7. The PCD will not alter the existing layout of buildings and other structures, principal on-site parking layout, vehicle and pedestrian circulation, or other physical elements of the Industrial Park. Further, the stringent distance restriction between on-site beer/wine tasting uses will ensure that no more two such uses can occupy the Industrial Park at any one time. Therefore, the Industrial Park remains adequate in size and shape to accommodate these uses, as amended by this PCD.
8. No additional buildings within the Industrial Park are proposed by this PCD. Further, although this PCD may result in additional customer traffic coming to the Industrial Park, the impact on traffic will be negligible relative to West San Bernardino Road. Given the distance restriction contained in the PCD, only two on-site beer/wine tasting uses would be allowed in the Industrial Park at any one time. Further, the first such use has already received a Conditional Use Permit from the Planning Commission (on July 22, 2014). The Planning Commission has considered and determined that the site will have sufficient off-street parking and the use will operate primarily during times when other businesses in the Industrial Park are closed. Therefore, West San Bernardino Road, which is an improved four-lane arterial street serving the Industrial Park, will remain adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed uses benefitting from this PCD.
9. The current zoning of the Industrial Park permits by right the operation of a brewery, without the requirement for a Conditional Use Permit. Because a "winery" is fundamentally the same type of operation except for the type of liquor produced, it is appropriate and consistent with the General Plan to include a "winery" as a permitted use by right in the Industrial Park.
10. By making the "on-site beer tasting" or "on-site wine tasting" component a conditional use, this will allow the Planning Commission to review and approve such uses through the public hearing process and, if approved, to impose reasonable conditions of approval to address any negative land use impacts tied to such uses. By imposing stringent distance restrictions and requiring a Conditional Use Permit, it allows these uses in a very limited way. Therefore, the PCD's impacts are relatively minor in the context of the entire Industrial Park. Such uses must continue to comply with all applicable local ordinances and regulations to

minimize their impact on neighboring properties. Therefore, this PCD is not detrimental to the surrounding property or uses permitted in the general area.

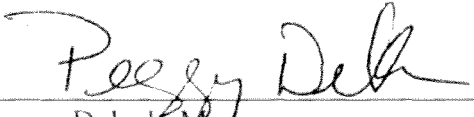
11. As noted above, the PCD allows "on-site beer tasting" and "on-site wine tasting" only in conjunction with a permitted brewery/winery and with a Conditional Use Permit. By making these a conditional use, this will allow the Planning Commission to review and approve such uses through the public hearing process and, if approved, to impose reasonable conditions of approval to address any negative land use impacts tied to such use. One such use has already received a Conditional Use Permit from the Planning Commission (on July 22, 2014) and the Planning Commission imposed 15 pages of conditions of approval (plus exhibits) regulating its operations. These conditions will mitigate any negative impacts from the proposed uses. Further, in the event further negative impacts are identified, the conditions of approval allow the Planning Commission to reconsider the CUP and impose new or modified conditions as needed. Therefore, the PCD provides adequate safeguards to protect the health, safety and general welfare.

SECTION 5. In considering this application relative to the California Environmental Quality Act (CEQA) Guidelines, the City Council affirms the determination of the Planning Commission that this PCD is not subject to the CEQA pursuant to CEQA Guidelines Sections 15060(c)(2) and 15060(c)(3) because it is not a project and will not result in a direct or reasonably foreseeable indirect physical change in the environment.

SECTION 6. The PCD, as set forth in Sections 3 and 4 above, is hereby granted.

SECTION 7. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local weekly newspaper of general circulation and which is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED on this 16th day of August, 2014.



Peggy Delach, Mayor
City of Covina, California

ATTEST:

Mary Lou Walczak
Mary Lou Walczak, City Clerk

APPROVED AS TO FORM:

[Signature]
Covina City Attorney

CERTIFICATION

I, Catherine M. LaCroix, Chief Deputy City Clerk of the City of Covina, do hereby certify that the foregoing Ordinance that was introduced at a regular meeting held on the 2nd day of September 2014 and adopted by the City Council at a regular meeting of said City Council on the 16th day of September 2014, by the following vote:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Covina, California, this 16th day of September 2014.

[Signature]
Catherine M. LaCroix
Chief Deputy City Clerk

EXHIBIT "A"
TO
ORDINANCE NO. 14-2033

Legal Description of the Industrial Park

PARCEL 1: (officially known at 1570 W. San Bernardino Rd. or APN 8434-015-038):

Lot: 32 Abbreviated Description: LOT:32 CITY: REGION/CLUSTER: 27/27805 SUBD:W R ROWLAND TRACT IN RANCHO LA PUENTE 576.50 ACRE TRACT KNOWN AS W R ROWLAND TRACT LOT COM SE ON SW LINE OF SAN BERNARDINO RD (PER FM 18072) 124.5 FT FROM W LINE
IMP1=IND,8640SF,YB:1978,1STY;IMP2=IND,12960SF,YB:1973,1STY;IMP3=IND,5760SF,YB:1977,1STY;IMP4=IND,13752SF,YB:1977,1STY.City/Muni/Twp: REGION/CLUSTER: 27/27805

PARCEL 2: (officially known at 1600 W. San Bernardino Rd. or APN 8434-015-037):

Lot: 32 Abbreviated Description: LOT:32 CITY: REGION/CLUSTER: 27/27805 SUBD:W R ROWLAND TRACT IN RANCHO LA PUENTE 576.50 ACRE TRACT KNOWN AS W R ROWLAND TRACT LOT COM AT INTERSECTION OF SW LINE OF SAN BERNARDINO RD (PER FM 18072) WITH W LINE City/Muni/Twp: REGION/CLUSTER: 27/27805

